

Notice of Allowability

Application No.

10/621,218

Examiner

Craig A. Thompson

Applicant(s)

JOHNSON ET AL.

Art Unit

2813

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communication of 7/16/2003.
2. ☒ The allowed claim(s) is/are 8 and 9.
3. ☒ The drawings filed on 16 July 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 7/16/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Craig A. Thompson
Primary Examiner
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DETAILED ACTION

The examiner confirmed on 28 May 2004 in a telephone interview with Mr. Michael Stallman that the preliminary amendment filed with this application cancelled claims 1-7 and that claims 8 and 9 are pending.

Allowable Subject Matter

Claims 8 and 9 are allowed.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: prior art of record does not describe or suggest applicants' invention set forth in claim 8, a test structure for optical monitoring of erosion on a wafer comprising an upper layer with an array formed by an alternating pattern of metal and dielectric material and a lower layer defined by a flat reflective material to reduce the number of measurement variables associated with the optical monitoring of the test structure. Similarly, prior art of record does not describe or suggest the invention of claim 9, a method for monitoring erosion comprising steps of: (a) forming a test structure in the scribe lines between dies of the wafer with the test structure including at least an upper layer having an array formed by an alternating pattern of metal and dielectric material and a lower layer defined by a flat reflecting material, (b) directing a probe beam of radiation to reflect off the test structure, and (c) monitoring the probe beam, in the context of the recited process.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Cited Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ravid et al. (U.S. Patent No. 6,654,108, filed 20 February 2001) teaches a test structure for metal CMP process control (abstract and title). The structure includes at least two structures aligned along a vertical axis (abstract and figure 3)

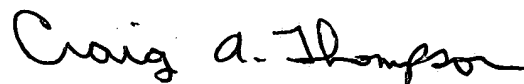
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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig A. Thompson whose telephone number is (571)272-1699. The examiner can normally be reached on Monday-Friday 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Whitehead, Jr. can be reached on (571)272-1702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Craig A. Thompson
Primary Examiner
Art Unit 2813

28 May 2004